

**Readopt Puc 1201.01, effective 4-29-04 (Doc. # 8075) to read as follows:**

PART Puc 1201 PURPOSE AND SCOPE OF RULES

Puc 1201.01 Purpose. The purpose of these rules is to simplify and standardize the administrative processes by which customers and companies interact in order to increase the level of information and protection provided to both and ensure, as far as is possible, the equal application of these rules by all utilities.

**Readopt with amendment Puc 1201.02, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1201.02 Scope of Rules. With the exception of Puc 1204 and where otherwise noted, these rules shall apply to any public utility providing electric, gas, sewer, steam, telephone, or water service to the public in the state of New Hampshire excluding limited electrical energy producers as defined in RSA 362-A.

~~(a) With the exception of Puc 1204 and where otherwise noted, these rules shall apply to any public utility providing electric, gas, sewer, steam, telephone, or water service to the public in the state of New Hampshire excluding limited electrical energy producers as defined in RSA 362-A.~~

~~(b) Puc 1204, Winter Rules, shall apply only to public utilities providing gas, electric and steam service to the public in the state of New Hampshire excluding limited electrical energy producers as defined in RSA 362-A.~~

**Readopt with amendment and renumber Puc 1202.01-1202.16, effective 4-29-04 (Doc. # 8075) to read as follows:**

PART Puc 1202 DEFINITIONS

Puc 1202.01 "Arrearage" means any amount due to the utility for basic utility service which remains unpaid after the due date printed on the original bill.

Puc 1202.02 "Basic utility service" means any tariffed fee or rate that has been filed with and approved by the commission or the Federal Communications Commission.

Puc 1202.03 "Commission" means the New Hampshire public utilities commission.

Puc 1202.04 "Complaint" means an expression of dissatisfaction by a customer which the utility has failed to resolve to the customer's satisfaction. ~~after the intervention of a supervisory employee of the utility.~~

Puc 1202.05 "Conference" means a meeting held in person or by telephone in which the customer, utility and commission staff participate.

Puc 1202.~~05-06~~ "Current bill" means the amount of money due to the utility for basic utility service, including all applicable state and federal taxes, rendered in the most recent billing period.

Puc 1202.~~06-07~~ "Customer" means any person, firm, partnership, corporation, cooperative marketing association, tenant, governmental unit, or a subdivision of a municipality, or the State of New Hampshire, who has contracted for electric, gas, sewer, steam, telephone, or water service from a utility.

Puc 1202.~~07-08~~ "Disconnection" means a technological function which occurs when a customer is physically or effectively separated or "shut off" from a utility service.

Puc 1202.~~08-09~~ "Due date" means the date no less than 25 calendar days from the date the bill is mailed by the utility.

Puc 1202.10 "Financial hardship" means the enrollment of a customer, or adult member of the customer's household, in- the Low Income Home Energy Assistance Program, the Electric Assistance Program, the Neighbor Helping Neighbor Program, the Link-Up and Lifeline Telephone Assistance Programs, their successor programs or any similar programs.

Puc 1202.~~09-11~~ "Late payment" means any payment made to the company or its authorized agent after the due date printed on the bill.

Puc 1202.~~10-12~~ "Meter" means a device installed by a non-telephone utility to measure the amount of use.

Puc 1202.~~11-13~~ "Prime rate" means the rate reported in the Wall Street Journal on the first business day of the month preceding the beginning of each calendar quarter, or the average of the rates so reported on that day.

Puc 1202.~~12-14~~ "Tariff" means the current schedule of rates, charges, terms and conditions filed by a utility and either approved by the commission or effective by operation of law.

Puc 1202.~~13-15~~ "Termination" means a bookkeeping function which occurs when a customer account is closed permanently.

Puc 1202.~~14-16~~ "Undue delay" means more than 3 business days from the date for which service was requested, except during severe storms, heavy seasonal activity, and other similar unforeseeable circumstances.

Puc 1202.~~15-17~~ "Utility" means every electric, gas, sewer, steam, telephone, and water

individual or business entity determined to be a public utility under New Hampshire statutes, and every municipal authority furnishing any of the above services outside its municipal boundaries excluding those municipalities exempted from regulation by RSA 362:4.

Puc 1202.~~16-18~~ "Winter period" means the period beginning ~~December 1st~~ November 15<sup>th</sup> and extending up to and including ~~March 31<sup>st</sup>~~ April 15<sup>th</sup>.

**Readopt with amendment Puc 1203.01—1203.04, effective 4-29-04 (Doc. # 8075) to read as follows:**

PART Puc 1203 SERVICE PROVISIONS

Puc 1203.01 Initiation of Utility Service.

(a) All applicants for service under a utility's filed tariff may be required to make application to the utility in writing, in accordance with the forms prescribed by the utility.

(b) An applicant for service may initially make an oral application ~~to the utility orally for service~~. Written confirmation of the oral application may be required by the utility to be made within 10 calendar days.

(c) The location to which an applicant requests service shall be:

(1) Within the utility's authorized franchise area; and

(2) Equipped with existing utility facilities in compliance with local occupancy requirements.

(d) The utility shall use due diligence to determine the applicant's credit standing with the utility and similar utilities at the time of the applicant's request for service.

(e) No later than five business days after receiving an oral request for service, or after receipt of written confirmation requested pursuant to (b) above, the utility shall:

(1) Provide service in accordance with (h) below;

(2) Identify and request payment of any unpaid residential accounts balances;

(3) Request a deposit in accordance with Puc 1203.03; or

(4) Deny service in accordance with Puc 1203.15.

(~~df~~) Notwithstanding (c) (2) above, ~~electric~~all utilities shall provide all facilities necessary

for service, and those facilities shall be exempt from the timing constraints of Puc 1203.01(~~fh~~) below.

(~~eg~~) The utility may charge for connection of service as specified in its tariff.

(~~fh~~) Upon compliance by an applicant with all application requirements, the utility shall complete the service connection, where facilities exist, without undue delay.

(~~gi~~) When a telephone utility is unable to initiate service without undue delay as defined by Puc 1202.~~14-16~~ and notwithstanding the timeframe stated in Puc 403.02 (a), it shall maintain those records required by Puc 403.02.

(j) When an applicant requests service in a location where utility facilities do not exist and the installation of facilities is on private property, the utility shall:

(1) Schedule the installation of facilities once it has determined the applicant has complied with all application requirements and obtained all necessary permits or permissions; and

(2) Notify the applicant of the scheduled completion date within 10 calendar days of the applicant having complied with all application requirements and having obtained all necessary permits or permissions.

(k) Where the installation of new facilities does not require the installation of new utility poles, the utility shall complete the installation of new facilities within 15 calendar days of the applicant's compliance with all application requirements and procurement of all necessary permits or permissions;

(l) Where the installation of new facilities requires the installation of one utility pole, the utility shall complete the installation of new facilities as follows:

(1) Within 15 calendar days of the applicant's compliance with all application requirements and procurement of all necessary permits or permissions install the pole; and

(2) Within 30 calendar days of the applicant's compliance with all application requirements and procurement of all necessary permits or permissions install the remaining facilities.

(m) Where the installation of new facilities requires the installation of two or more utility poles, the utility shall:

(1) Complete the pole installation within 30 calendar days;

(2) Begin tree trimming, when necessary, within 15 calendar days of the completion of the pole installation;

(3) Begin line work within 15 calendar days of the completion of the tree trimming or the pole installation where no tree trimming is required; and

(4) Demonstrate progress on the installation of the facilities throughout each step.

(n) In the event that weather, accidents and other emergencies require a utility to change the scheduled completion date, the utility shall notify affected customers, utilities and contractors and shall provide a revised schedule and completion date within 5 calendar days of the event requiring such schedule change.

(o) At the time a customer contracts for private property construction involving the installation or modification of utility services, the utility shall provide the customer with written notice stating that there might be additional charges assessed by the other utility for service requested by the customer from that utility.

(hp) A utility shall not connect service at a rate other than the tariffed rate of general application unless a special contract for such service has been approved by the commission. Connection of service for which there is no tariffed rate of general application may be rendered after review by and authorization from the commission of a special contract between the utility and the applicant.

(iq) The utility shall not deny service to any otherwise qualified applicant based upon any of the following characteristics:

(1) Income;

(2) Home ownership;

(3) Residential location;

(34) Race;

(45) Color;

(56) Creed;

(67) Gender;

(78) Marital status;

(89) Age, with the exception of unemancipated minors;

(910) National origin; or

(1011) Disability.

**Readopt with amendment Puc 1203.02, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.02 Information to Customers.

(a) ~~Upon a customer's request,~~ Upon receiving a request for new service, each the utility shall provide information as to what might be the most advantageous tariffed rate or rates available to that customer.

(b) Upon a customer's request, with the exception of telephone utilities, each utility shall provide a written description of the utility's method of reading meters and deriving billing therefrom.

(c) Except for telephone utilities which shall comply with the provisions of Puc 403.09, all utilities that file an application with the commission for a ~~\_general\_~~ rate ~~\_change~~ shall send to each of its customers a clear and concise statement of the rate schedules applied for and indicate which schedules are applicable to that customer.

(d) The information required to be distributed to customers under (c) above shall be distributed ~~using the following time frame:~~ no later than 30 calendar days from the date of filing.

~~(1) For utilities using a monthly billing system, this statement shall be sent no later than 30 days from the date of filing; and~~

~~(2) For utilities using other than a monthly billing system, this statement shall be sent out no later than 60 days from the date of filing.~~

(e) Each new customer shall be provided with a clear and concise statement of the existing rate schedules upon application for service. ~~Not less than once each year, each utility shall transmit to each of its customers a clear and concise statement of the existing rate schedules in the following manner:~~

~~(1) Each new customer shall be provided with the statement upon application for service; and~~

~~(2) Existing customers shall be sent the statement as a bill enclosure.~~

(f) No less than once a year, each utility shall transmit as a bill enclosure to each of its existing customers a clear and concise statement of the existing rate schedules.

(fg) Gas and electric utilities shall indicate in the statements required by (e) and (f) above:

- (1) Whether the rate schedules are subject to a gas adjustment clause or purchased power adjustment clause; and
- (2) The frequency with which rates under these clauses are subject to change.

(gh) Telephone utilities shall include in the statements required by (e) above those rate schedules applicable to each of the major classes of customers for which there is a rate.

(hi) The statements required by (c) and (e) above shall include the toll-free number of the commission's consumer ~~assistance department~~affairs division: 1-800-852-3793.

(ij) All information required under Puc 1203.02 shall also be provided in a particular foreign language when 25% or more of the population within the utility's service-franchise area speaks that particular foreign language as its primary language. The determination of the percentage shall be made by the commission based upon data obtained from the New Hampshire office of state planning.

~~(j) At the time a customer contracts for private property construction involving installation or modification of utility services, the utility shall give written notice to the customer that if the customer requests additional service from another utility additional charges to the customer from the other utility might be charged. For example, if a customer contracts for an electric power line extension, the electric utility must give written notice that additional charges might be charged by the telephone company if the customer requests telephone service along the line extension.~~

(jk) Electric and gas utilities shall provide the public with copies of the commission prepared pamphlet "Consumers' Rights and Responsibilities" in the following manner:

- (1) The pamphlets shall be available and displayed prominently in all business offices of the gas and electric utilities;
- (2) The pamphlets shall be mailed, postage paid, to any person requesting a copy;
- (3) Notice that the pamphlet is available from the utility shall be provided a minimum of 3 times each year in or on all residential bills;
- (4) The cost of printing and distributing the pamphlets shall be borne by the gas and electric utilities in percentage amounts equal to the ratio representing the individual utility's gross revenues compared to the total gross revenues for all gas and electric utilities;

(5) The number of pamphlets printed shall be no less than 10% of all residential consumers of the gas and electric utilities; and

(6) A gas or electric utility's decision to independently incur additional costs to distribute copies or provide notice of the pamphlet's availability more frequently than required by these rules shall be deemed by the commission an appropriate expense of doing business.

**Readopt with amendment Puc 1203.03, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.03 Deposits.

(a) As a condition of new residential service, a utility may require a deposit, or a written guarantee as provided for in ~~(f)~~ below, in the following circumstances:

(1) When the customer has an undisputed overdue balance, incurred within the last 3 years, on a prior account with any similar type of utility, as described in ~~(b)~~ below;

(2) When any utility has successfully obtained a judgment against the customer during the past 2 years for non-payment of a delinquent account for utility service;

(3) When any utility has disconnected the customer's service within the last 3 years because the customer interfered with, or diverted, the service of the utility situated on or about the customer's premises; or

(4) When the customer is unable to provide satisfactory evidence to the utility that he or she intends to remain at the location for which service is being requested for a period of 12 consecutive months, as described in ~~(a)~~ below, unless he or she provides satisfactory evidence that he or she has not been delinquent in his or her similar utility service accounts for a period of 6 months, as described in ~~(b)~~ below, in which case no deposit shall be required.

~~(5)~~ For purposes of ~~paragraph (4)~~ above, the following shall apply:

~~(1)~~ Satisfactory evidence of intent shall consist of a copy of the customer's deed, lease or letter from a landlord; and

~~(2)~~ Satisfactory evidence of non-delinquency shall consist of oral or written statements by a representative of the similar utility service.

~~(b)~~ For purposes of (a) above, the following utilities shall be considered to be similar utilities:



- (1) For telephone utilities, telephone utilities;
- (2) For water utilities, water utilities;
- (3) For gas utilities, gas or electric utilities;
- (4) For electric utilities, gas or electric utilities;
- (5) For sewer utilities, sewer utilities; and
- (6) For steam utilities, gas, electric, or steam utilities.

(~~ed~~) For purposes of (a) above, utilities shall base a request for a deposit on credit information obtained through a credit clearinghouse regarding any other similar utility. provided by any other gas, electric or steam utility.

(e) A utility's request for a deposit, as a condition of new residential service, shall be made within 5 business days of receiving the request for new service.

(~~df~~) As a condition of existing residential service, a utility may require a deposit or a written guarantee as provided for in (~~fi~~) below, in the following circumstances:

- (1) When the customer has received the following number of disconnect notices for nonpayment within a 12 month period:

a. For customers billed monthly, four disconnect notices:

1. 4 disconnect notices for electric, gas, or water services; or

2. 2 disconnect notices for telephone services;

b. For customers billed every 2 months, 3 disconnect notices; and

c. For customers billed quarterly, 2 disconnect notices;

- (2) When the customer's service has been disconnected for non-payment of a delinquent account;

(3) When a utility has disconnected the customer's service because the customer interfered with, or diverted, the service of the utility situated on, or delivered on or about, the customer's premises; or

- (4) When the customer has filed for bankruptcy and listed, ~~including~~ the utility as a creditor under the filing, and the filing has been accepted, in which case the deposit

requirement shall be in accordance with 11 U.S.C. 366.

(g) No deposit shall be requested from a customer providing evidence of financial hardship.

(eh) As a condition of ~~non-residential~~any service other than residential service, a utility may require a deposit.

(fi) As part of any deposit request, the utility shall inform the customer, orally and in writing, of the option to provide a third-party guarantee in lieu of deposit pursuant to (gj) below.

(gi) In lieu of a deposit, a utility shall accept the irrevocable written guarantee of a responsible party such as a social service organization, a municipal welfare agency, a bank, or a customer in good standing of the utility as a surety for a customer service account, provided that any such guarantee shall:

- (1) Be in writing;
- (2) Include the maximum amount guaranteed; and
- (3) Specify that the utility shall not hold the guarantor liable for the sums in excess of the maximum amount guaranteed unless agreed to in a separate written agreement.

(kh) The responsible party assuring the guarantee referenced in (gi) above shall be released from liability and no further deposit shall be required from the customer at the point in time when all bills have been paid without delinquency for 12 consecutive months for a residential customer and 24 consecutive months for a non-residential customer.

(li) Any deposit required pursuant to Puc 1203.03 shall be subject to the following terms and conditions:

- (1) The amount of deposit shall be:
  - a. No less than \$10; and
  - b. No more than the charge for utility service for a period of 2 high-use months, calculated as described below, exclusive of the highest-use month:
    1. For new utility customers, high-use billing months shall be determined by estimation based on the following:
      - (i) Customer information about the prior customer at that service address;

(ii) For telephone utilities, information regarding usage by the customer at the customer's prior location(s); and

(iii) Customer specific characteristics;

2. For current utility customers, high-use months shall be determined by either:

(i) Actual past bills from the prior 12 months, or

(ii) If current use customers have less than 12 months of actual

service, high-use months shall be determined pursuant to 1. above;

(2) All deposits shall accrue simple annual interest from the date of deposit to the date of termination;

(3) Interest shall accrue at a rate equal to the prime rate;

(4) When a deposit has been held longer than 12 months, interest shall be paid to the customer or credited to the customer's current bill not less than annually;

(5) The entire deposit plus interest accrued shall be refunded when all bills have been paid without arrearage for 12 consecutive months for a residential customer and 24 consecutive months for a non-residential customer;

(6) With the agreement of the customer, deposits plus the interest accrued thereon may be applied against the current bills until the balance of the deposit is exhausted;

(7) Upon termination of service, the deposit plus interest accrued less any amount due the utility shall be refunded within 60 calendar days of the date of termination;

(8) A utility shall maintain a detailed record of all deposits received from customers showing:

a. The customer's name;

b. The location of the service;

c. The date the deposit was made;

d. The amount of the deposit;

e. The amount of interest accrued;

f. The date refunded to the customer; and

g. Any amount credited to the customer's account;

(9) The record required by (8) above shall be maintained by the utility for a period of 3 years subsequent to refunding the customer's deposit;

(10) Either by mail or in person, a utility shall provide each customer with a receipt for any deposit containing, at a minimum:

a. The customer's name;

b. The location of the service;

c. The date and amount of the deposit payment; and

d. A statement of the terms and conditions governing the receipt, retention, refund, and payment of interest and payment and refund of deposits pursuant to Puc ~~1202~~1203.03;

(11) The utility shall offer the customer the opportunity to pay the deposit in installments as follows:

a. Except as otherwise negotiated pursuant to b. and c. below, payment shall be in 3 monthly installments with the first payment due ~~immediately upon demand~~, the second payment due within 30 calendar days, and the final payment due within 60 calendar days, provided that:

1. The first payment shall be for no more than the charge for one month's utility service calculated as provided in Puc 1203.03~~(i)~~(1)b; and

2. The second and third payments shall be in equal installments of the remainder due.

b. Nothing shall prohibit the utility from negotiating payment of the deposit over a period longer than 3 months;

c. Nothing shall prohibit the customer from negotiating payment of the deposit over a period shorter than 3 months; and

d. Payment of the deposit in installments shall not relieve the customer of the obligation to pay the current bill in a timely manner.

(jm) A utility shall not require a residential customer to make a deposit or furnish a guarantee as a condition of new or continued service based upon income, home ownership, residential location, race, color, creed, ~~sex~~gender, marital status, age, ~~or~~ national origin or disability and shall make such requirement only in accordance with Puc 1203.03.

(kn) A customer may request a conference with the commission staff if he/she is dissatisfied with a utility's request for deposit, within ~~the following time limits:~~

~~(1) A new customer shall request a conference with the commission staff at any time prior to commencing service; and~~

~~(2) An existing customer shall only request a conference with the commission staff within 7 calendar days from receipt of the utility's request for deposit.~~

(lo) Service disconnections resulting from the enforcement of Puc 1203.03 shall be delayed pending commission resolution of the customer's request for a conference pursuant to (kn) above.

(mp) As part of any deposit request, the utility shall inform the customer, orally and in writing, of his/her rights and responsibilities as described in (kn) above.

**Readopt Puc 1203.04, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.04 Meter Reading.

(a) Utilities which use meters shall read all service meters at regular intervals and on the corresponding day of each meter reading period insofar as practicable within regularly scheduled work days.

(b) Specific rules regarding meter readings for the utilities shall be found in Puc 300 for electric utilities, Puc 500 for gas utilities, and Puc 600 for water utilities.

**Readopt Puc 1203.05 effective 5-25-02 (Doc. # 7692) to read as follows:**

Puc 1203.05 Implementation of Rate Changes.

(a) For purposes of this section, ~~"Unbilled-unbilled"~~ revenues" means undercollection of approved rates resulting from failure on the part of the utility to implement the rate on its effective date.

(b) Unless a utility petitions the commission for a waiver, all rate changes, implemented as a result of a commission order, including changes occurring as a result of a fuel and purchase power adjustment clause, fuel adjustment clause, or cost of gas adjustment

proceedings, shall be implemented on the basis of service rendered on or after the effective date of the approved rate change.

(c) When petitioning pursuant to Puc 201.05 for a waiver of the service-rendered basis presumption of (b) above, the utility shall, in addition to whatever else it might provide in making its petition, describe how, to the extent applicable, collection of the rate change on an other than service-rendered basis will:

- (1) Be less confusing to customers;
- (2) Cost less to implement;
- (3) Allow the utility to more closely match its revenue to its expenses; and
- (4) Give customers adequate notice of the changes in rates applicable to their usage.

(d) In the event of unbilled revenues, ~~as defined in (a) above~~, a utility may collect the unbilled, unpaid balance only after:

- (1) Providing the commission with the information listed in (e) below; and
- (2) Petitioning in writing for and obtaining commission ~~approval~~authorization.

(e) A utility seeking approval to collect unbilled revenues shall provide to the commission in writing, the following:

- (1) A description of the failure to bill;
- (2) An explanation of why the failure occurred;
- (3) The proposed time period over which the utility proposes to recover the unbilled, unpaid balance and the utility's rationale for such action;
- (4) The impact on the monthly bills of customers; and
- (5) The number and percentage of customers included in the approved rate change who are affected by the error.

(f) The commission shall not ~~approve~~authorize collection of unbilled revenues unless ~~the commission~~it determines that:

- (1) The utility's error was inadvertent;
- (2) The time period for collection of the unbilled revenues does not impose undue hardship on ratepayers; and
- (3) The proposed collection meets the standards contained in RSA 378:7.

**Readopt with amendment Puc 1203.06, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.06 Bill Forms.

(a) This section shall apply only to electric, gas, sewer, steam and water utilities, not to telephone utilities. Specific rules regarding bill forms for telephone utilities shall be found in Puc 403.0408.

(b) Bills shall be rendered at regular intervals.

(c) Bills shall indicate at a minimum:

- (1) The date of the current meter reading;
- (2) The current meter reading;
- (3) The prior meter reading;
- (4) Any applicable penalty date;
- (5) The approximate date of the next meter reading;
- (6) All factors necessary to compute the charges;
- (7) The charges;
- (8) The utility's customer service phone number;
- (9) A statement that customers should call the utility regarding billing questions; and
- (10) A statement that customers may call the commission for further assistance after first attempting to resolve disputes with the utility.

(d) Bills for residential and non-residential service customers shall include one of the following:

- (1) Summary of the current applicable rate; or

(2) Notice that a printed copy of the current applicable rate shall be furnished upon request.

(e) Bills shall be delivered:

(1) ~~V~~ via first class mail; or

(2) Via an electronic billing system when offered by the utility and elected by the customer.

(f) Each utility shall keep an accurate account of all charges for service billed to each customer and shall maintain records showing information from which each bill rendered may be readily computed.

(g) Upon request of a customer, a utility shall provide the customer with a clear and concise statement of the actual consumption of service by the customer for each billing period during the prior year.

**Readopt with amendment Puc 1203.07, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.07 Payment Arrangements.

(a) With the exception stated in (b) below, when a residential customer is unable to pay the total arrearage due, the utility shall continue to provide service to the customer if the customer agrees to a payment arrangement wherein the customer shall:

(1) Pay a reasonable portion of the arrearage as agreed by the customer and the utility;

(2) Pay the balance of the arrearage in reasonable installments as agreed to by the customer and the utility; and

(3) Pay the current bill and all future bills by the due date printed on the bill.

(b) When a residential customer is unable to pay the total arrearage due and the utility has been notified that a medical emergency exists pursuant to Puc 1203.11 (d) and (e) or, in the case of telephone utilities, pursuant to Puc 403.0603 (eh) and (i)(3), the utility shall continue to provide service to the customer if the customer agrees to a payment arrangement wherein additional flexibility is built into the payment arrangement, including but not limited to negotiating a flat monthly payment, for application to both the arrearage and the customer's current bill.



(c) In deciding upon the reasonableness of a payment arrangement, the customer and the utility shall consider the:

- (1) Size of the arrearage;
- (2) Estimated size of the customer's future monthly bills;
- (3) Customer's payment history;
- (4) Amount of time that the arrearage has been outstanding;
- (5) Reasons why the arrearage is outstanding and whether those reasons will or will not continue during the course of payment; and
- (6) Customer's ability to pay.

(d) For an arrearage resulting from a non-registering meter, inaccurate meter, meter reading error, or a reconciliation between estimated billings and actual usage, the payment arrangement shall extend for a minimum period of time equal to the period of time for which the error is being re-billed.

(e) For billing adjustments due to specific meter inaccuracies, Puc 305.04(b), Puc 505.05(b), and Puc 605.05(b) shall apply.

(f) The utility may require payment at shorter than monthly intervals if the payment arrangements are made in lieu of disconnection or upon reconnection without a deposit.

(g) The utility shall confirm all payment arrangements in writing and issue a copy to the customer by mail or by hand within 5 business days of the date the arrangement is made.

(h) Written confirmation, pursuant to (g) above shall include a statement that:

- (1) Failure to comply with the payment arrangement can result in disconnection without further notice; and
- (2) The customer can contact the commission's consumer ~~assistance~~ departmentaffairs division if the customer disagrees with the confirmation.

(i) The purpose of written confirmation as required by (g) above shall be to assure the customer of an opportunity to review and verify the terms of the payment arrangement.

(j) The utility shall not disconnect any customer for failure to comply with a payment arrangement which has not been timely confirmed in writing and received by the customer. For purposes of this section, receipt by the customer of a mailed confirmation shall be presumed 3

calendar days subsequent to mailing, or the actual date of delivery when known.

(k) The utility may disconnect without additional notice any customer for failure to comply with a properly confirmed payment arrangement, except as provided for in Puc 1203.1107(bf) which deals with medical emergencies.

(l) A customer may make payments pursuant to a properly confirmed payment arrangement to an authorized agent of the utility.

(m) At the conclusion of every payment agreement negotiation, the utility representative shall advise the customer that he/she may contact a member of the commission's consumer assistance-departmentaffairs division for review of the reasonableness of the arrangement offered by the utility.

(n) After reviewing the information provided pursuant to (c) above, tThe commission's consumer assistance-departmentaffairs division shall waive the requirement of Puc 1203.07(a)(1) and (a)(3) if it considers that requirement overly burdensome in-the circumstancesgiven the customer's financial circumstances, the amount due, and the customer's payment history with the utility.

**Readopt with amendment Puc 1203.08, effective 5-25-02 (Doc. # 7692) to read as follows:**

Puc 1203.08 Penalties and Charges.

(a) Subject to the following requirements, a utility may charge and collect a late payment charge for overdue bills of all non-financial hardship customers:

(1) The late payment charge on any overdue bill shall not exceed the amount set forth in the utility's tariff approved by the commission;

(2) The commission shall approve proposed late payment charges as follows:

a. The commission shall grant approval of a utility's proposed late payment charge tariff, whether new or amended, only if the utility demonstrates that proposed charge does not exceed the actual costs incurred by the utility due to lateness;

b. To demonstrate that a proposed charge does not exceed costs, the utility shall provide the Commission with:

1. Aggregate carrying cost information;

2. Aggregate administrative cost information;

3. Other relevant information in the aggregate or with respect to the individual customer;

(3) A late payment charge may be imposed only after the due date printed on the bill; and

(4) The date of payment to the utility's authorized agent shall be considered the payment date for purposes of this section.;

(b) A utility may impose a charge on a customer account whenever a check or draft presented for payment of service is not accepted by the institution on which it is written.

(c) The amount of the charge permitted by (b), above, shall be the greater of \$5 or the actual administrative cost of recovery as authorized by the Commission.

**Readopt Puc 1203.09, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.09 Complaints by Customers.

(a) Each utility shall make a full and prompt investigation of customer complaints made either directly to the company or through the commission.

(b) A utility shall keep ~~A-a~~ record of complaints received shall be kept by the utility for at least 2 years.

(c) The record of each complaint shall show:

(1) The name, address, and telephone number, if known and available, of the complainant;

(2) The date and character of the complaint; and

(3) The resolution of the complaint, if any.

(d) Pursuant to RSA 365:2, the commission shall send to the utility a copy of each applicable written complaints it receives.

**Readopt Puc 1203.10, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.10 Termination of Service.

(a) A utility may require a customer to provide reasonable notice of intent to terminate service as follows:

- (1) The period of the notice required by the utility pursuant to (a) above shall be noted in the utility's tariff;
- (2) The notice period required by the utility shall not exceed 4 business days; and
- (3) Until expiration of the notice period, the customer shall be responsible for all charges incurred for service.

**Readopt with amendment Puc 1203.11, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.11 Disconnection of Service.

(a) This section shall not apply to sewer or telephone utilities. Regulation of disconnection of telephone service shall be found in Puc 403.03. Regulation of disconnection of sewer service shall be found in Puc 703.08.

(b) Except in the circumstances described in Puc 1203.07(k) or listed under (3) below, a utility shall give ~~proper~~ notice of disconnection as follows:

(1) For purposes of this section, ~~proper~~ notice of disconnection to a residential or non-residential customer shall consist of written notice setting forth the information

listed in (2) below, postmarked 14 calendar days prior to the proposed date of disconnection;

(2) ~~Proper n~~Notice of disconnection shall set forth in clear, concise, and conspicuously printed words the following information:

- a. The name and mailing address of the customer;
- b. The service address, if different from the mailing address;
- c. The account number;
- d. The proposed date of disconnection of service;
- e. A conspicuous statement that the notice of disconnection may be disregarded if the customer has negotiated a current payment arrangement pursuant to Puc 1203.07;
- f. The reason for the disconnection of service;
- g. The possible consequences of disconnection, such as deposit requirement, reconnection fee, and/or any other similar consequences;

h. The address and telephone number at which the customer may contact the utility;

i. The toll-free telephone number of the commission's consumer ~~assistance department~~affairs division, which is: 1-800-852-3793;

j. The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice--Your Rights"; ~~and~~

~~k. The statement: "MEDICAL EMERGENCY- If you believe that a medical emergency exists in your home or would exist if your service were to be disconnected, you may be protected from disconnection. Please contact us at [insert telephone number of the utility] for more information.";~~ and

~~kl.~~ Any additional data which the utility deems pertinent;

(3) ~~Proper n~~Notice to a residential or non-residential customer shall not be required if the utility both notifies the commission of the disconnection within 48 hours of the disconnection and one of the following conditions exists:

a. The customer has obtained utility service in an unauthorized manner or used utility service fraudulently;

b. The ~~customer has clearly abandoned the property as demonstrated by the fact that the~~ service address premises have been unoccupied and vacant for a period of 60 calendar days; or

c. A condition dangerous to the health, safety, physical property or utility service of others exists; ~~or.~~

~~d. Clear and present danger to life, health, or physical property exists;~~

(4) The requirements of (3) above shall not impose a duty on utilities to know of any dangerous condition, nor to insure against any such condition; and

(5) The notification to the commission required in (3) above shall not apply where the disconnection has occurred at the request of municipal officials such as fire, police, or other public safety departments.

(c) Except as limited by (d) below, a utility may disconnect service to a residential customer after proper notice if any one of the following circumstances exists:

- (1) When the customer has failed to pay an arrearage after proper demand therefor;
  - (2) When the customer has failed to pay a deposit request or to provide an acceptable third-party guarantee in lieu of the deposit pursuant to Puc 1203.03;
  - (3) When the customer has failed to pay the bill ~~or~~ and failed to enter into a payment arrangement for payment of the bill on or before the due date printed on the bill;  
or
  - (4) When the customer refuses access to the residential premises for a necessary inspection of utility property, including but not limited to the reading of meters.
- (d) A utility shall not disconnect a residential customer's service and a notice of disconnection shall not be sent to a residential customer if any of the following conditions exist:
- (1) The customer's arrearage is less than 60 calendar days outstanding and is less than the following amounts:
    - a. \$~~50~~25 for water utilities; or
    - b. \$~~100~~50 for all other utilities;
  - (2) The unpaid bill results from other than basic utility service, such as merchandise, appliance sales, or repairs;
  - (3) Winter period rules apply pursuant to Puc 1204;
  - (4) The utility has been notified by a registered physician, pursuant to (e) below, within the prior ~~30~~ 60 calendar days, that a medical emergency exists at the location or would result from the disconnection of service;
  - (5) A municipal welfare office has guaranteed payment of current bills on behalf of the customer, pursuant to the town's public welfare obligations under RSA 165 and the customer agrees to enter into a reasonable arrangement for repayment of the amount in arrears pursuant to Puc 1203.07; or
  - (6) The arrearage is for prior residential service furnished in the name of someone other than the customer of record unless:
    - a. The customer of record and the above mentioned person other than the customer of record resided together at the address where the arrearage was incurred;
    - b. Both that person and the customer of record received the benefit of the

utility service;

c. Both that person and the customer of record reside together at the current service address and receive the benefit of the current utility service; and

d. The person other than the customer of record refuses to enter into a payment arrangement subject to all the provisions of Puc 1303.07.

(e) The registered physician's notification of medical emergency shall be governed as follows:

(1) It shall contain a statement to the effect that disconnection of the utility's service would result in a medical emergency;

(2) It may be written or made by telephone with written confirmation received by the utility within 7 calendar days of the telephoned notification;

(3) It shall be renewed monthly as necessary; and

(4) It shall be sufficient to retain service only if the customer also negotiates a payment arrangement schedule pursuant to Puc 1203.07(b).

(f) A utility shall not disconnect service to a customer who has provided evidence of a medical emergency without approval from the commission.

(g) When seeking approval to disconnect a medical emergency customer, the utility shall provide the commission with the following information:

(1) The customer's name;

(2) The service address;

(3) The customer's account number;

(4) The date of the proposed disconnection;

(5) The amount of the arrearage;

(6) The amounts and dates of the last three payments received by the utility;

(7) The amount and date of the next anticipated payment, if known;

(8) The number of children in the household under the age of 5, if known;

(9) The number of household members over the age of 65, if known; and

(9) The existence of any financial hardship.

(h) The commission shall not approve disconnection of service to customers deemed to have a medical emergency when the customer has made a good faith effort to make payments towards the utility bill.

(f) A utility may disconnect service to a non-residential customer after proper notice if any of the following conditions exist:

- (1) The customer has failed to pay any arrearage remaining unpaid after proper demand therefor;
- (2) The customer has violated any tariff provision;
- (3) The customer has failed to pay a properly requested deposit or to provide an acceptable third party guarantee; or
- (4) The customer refuses access to the premises for a necessary inspection of utility property, including but not limited to the reading of meters.

~~(g) Upon receipt of the notice of disconnection, a customer may request and the utility shall grant a conference with the utility prior to the proposed date of disconnection specified on the notice, as follows:~~

~~(1) A utility shall not be required to grant a conference with a customer whose request for a conference is made on the proposed disconnect date, although the utility may grant one;~~

~~(2) A customer whose request for a conference is made either one or 2 days prior to the proposed disconnect date shall be entitled to a conference no later than 3 business days after the request; and~~

~~(3) Service shall not be disconnected prior to the latest of the following:~~

~~a. 5 business days after the conference; or~~

~~b. 5 business days after the postmarked date of the utility's written decision relating to the conference; or~~

~~c. The proposed date of disconnection specified in the disconnect notice.~~

~~(h) The conference requested pursuant to (g) above shall consist of:~~



- ~~(1) A meeting between the customer and the utility conducted either in person or by telephone in accordance with the customer's preference;~~
- ~~(2) Discussions between the customer and the utility relating to the disconnect notice; and~~
- ~~(3) An agreement that the utility shall notify the customer of a resolution to the dispute by a date certain.~~
- ~~(i) The utility shall make a memorandum regarding the outcome of each conference. Should a conference with the commission staff be requested, pursuant to (k) below, the utility shall forward a copy of the conference memorandum to the commission and to the customer.~~
- ~~(j) During the conference, the utility shall inform the customer of the customer's right to request a conference with the commission staff if the customer is dissatisfied with the outcome of the conference, pursuant to (k) below.~~
- ~~(k) A request for a conference with the commission staff shall be made as follows:~~
  - ~~(1) The customer's request for a conference with the commission staff shall be made before the date of the proposed disconnection or within 5 business days after issuance of the utility's notification to the customer of a resolution to the dispute as described in (h)(3), whichever is later; and~~
  - ~~(2) The customer's request shall be made to the commission in writing, in person, or by telephone, in the following manner:~~
    - ~~a. If the request is made in writing, the customer may choose to complete a "Request for Review" form, as described in (m) below, provided by the utility;~~  
~~or~~
    - ~~b. If the request is made in person or by telephone, the customer shall provide written confirmation of the request.~~
- ~~(l) Failure to request a conference with the commission staff within 5 business days after issuance of the utility's notification of resolution shall result in implementation of the utility's decision pursuant to the conference with the utility.~~
- ~~(m) The "Request for Review" form provided by the utility shall include instructions to the customer and clearly indicated spaces for the following information:~~
  - ~~(1) The name of the utility which issued the disconnect notice;~~
  - ~~(2) The date on which the customer/utility representative conference was held;~~

- ~~(3) The fact that the customer is dissatisfied with the utility's outcome of the conference;~~
- ~~(4) The fact that the customer requests a conference with a member of the commission staff; and~~
- ~~(5) The name, address, daytime phone number, and utility account number of the customer.~~
- ~~(n) The commission shall notify the utility of the customer's timely filed request.~~
- ~~(o) If a customer requests a conference with the commission staff, the utility shall continue service to the customer until such time as the commission staff determines whether the disconnection is justified pursuant to these rules.~~
- ~~(p) During the conference with the commission staff, the commission staff shall inform the customer and the utility of the following:~~
  - ~~(1) The customer or the utility may request a hearing before the commission, if dissatisfied with the outcome of the conference; and~~
  - ~~(2) The staff shall request a hearing before the commission when it determines that issues remain which require resolution by the commission.~~
- ~~(q)~~ Unless special arrangements are made with the customer, a utility shall only disconnect service to its residential customers from 8:00 am to 3:30 pm Monday through Thursday.
- ~~(r)~~ The utility shall not disconnect service to its residential customers during the time specified by ~~(q)~~ above if the proposed disconnection would occur on:
  - (1) A state or federal holiday;
  - (2) The day preceding a state or federal holiday;
  - (3) A day the commission is closed to the public; or
  - (4) The day preceding a day the commission is closed to the public.
- ~~(s)~~ Unless special arrangements are made with the customer, a utility shall only disconnect service to its non-residential customers from 8:00 am to 3:30 pm Monday through Friday.
- ~~(t)~~ The utility shall not disconnect service to its non-residential customers during the time specified by ~~(s)~~ above if the proposed disconnection would occur on:

(1) A state or federal holiday; or

(2) A day the commission is closed to the public.

~~(un)~~ The utility shall have 8 business days from date of proposed disconnect in which to implement the disconnection.

~~(vo)~~ Before disconnection of residential service, the utility employee disconnecting the service shall notify an adult occupant of the premises or leave a written notice if no adult is at the premises. The notice shall include information as to how the customer may be reconnected.

~~(wp)~~ When the utility sends an employee to a residential customer's premises for the purpose of disconnecting service and the customer tenders payment of the past due amount in full to prevent disconnection, the employee shall act as follows:

(1) The utility's employee shall accept the payment, provide the customer with a receipt, and leave the service intact as long as the following is true:

a. The employee shall know the full past due amount to be paid to bring the customer's account current;

b. The employee shall not be required to make change; and

c. The employee shall not be required to negotiate payment arrangements; or

(2) Without disconnecting the customer's service, the utility's employee shall direct the customer to go immediately to the utility's nearest office or payment agency and tender payment there; or

~~(xq)~~ A utility may charge for collection of payment at the customer's premises in accordance with the utility's tariffs on file with the commission.

~~(yl)~~ The utility shall not be required to follow the procedures described in ~~(wp)~~ above more than 2 times in a 12 month period.

(s) A utility shall not make use of any services offered by a third party collection agency as part of its collection activities for accounts where service has not been terminated.

~~(zl)~~ The commission shall impose a moratorium on disconnections of service when there exists an imminent peril to the public's health, safety or welfare.

~~(aaU)~~ Utilities shall maintain records showing the:

- (1) Number of disconnection notices sent out annually; and
- (2) Annual number of and reasons for actual disconnections.

**Readopt with amendment Puc 1203.12, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.12 Disconnection of Service in Residential Tenant/Landlord Situations.

(a) This section shall apply to:

- (1) Utilities other than sewer or telephone utilities; and
- (2) Situations where the landlord is the utility's customer of record.

(b) "Tenant", for purposes of this section, means a person who rents and occupies a room in a rooming house or a person who rents and occupies a dwelling unit, in a building or mobile home park owned by another, consisting of contiguous living, sleeping, kitchen and bathroom facilities for the exclusive use of that person and his or her immediate family. Tenant specifically excludes a person who rents a unit for short-term, vacation, or recreation purposes.

(c) Except in the circumstances listed under (e) below, no utility shall disconnect service to a customer if any part of the service provided accrues to the benefit of one or more parties known by the utility to be residential tenant(s) as defined in (b) above, unless the utility gives written notice to those tenants pursuant to (d) below.

(d) Written notice of disconnection shall set forth:

- (1) The date on or after which the utility proposes to disconnect service;
- (2) A statement that the reason for disconnection is a dispute between the utility and the landlord;
- (3) A statement that the tenant should contact the landlord for more information regarding the dispute;
- (4) A statement that the tenant has a right to put service in his or her own name and thereby become the customer of record pursuant to (h) below);
- (5) An address and telephone number at which the tenant may contact the utility; and
- (6) The toll-free telephone number of the commission's consumer ~~assistance~~ department affairs division.

(e) A utility may disconnect service without giving notice to tenants in the following circumstances:

- (1) When necessary to avoid danger to life or property; and
- (2) Upon the order of a duly constituted public authority such as police, firefighters, public health officers, and building inspectors.

(f) Immediately upon learning that a tenant has been erroneously disconnected without notice, the utility shall reconnect service at no cost to the tenant and shall proceed with proper notice pursuant to this section.

(g) Delivery of written notice shall be made on the tenants at least 10 calendar days in advance of the proposed disconnection in the following manner:

- (1) By posting a conspicuously lettered notice at least 10 calendar days prior to the proposed date of disconnection in a common area or such other place within the building or mobile home park as is likely to receive the attention of the tenants; and
- (2) In addition to (1) above, a utility shall choose to deliver written notice by one of the following methods:
  - a. Posting or hanging the notice on the front or back door of each tenant's dwelling unit;
  - b. Sliding the notice under the front or back door of each tenant's dwelling unit; or
  - c. By mail which is postmarked not less than 14 calendar days prior to the proposed date of disconnection and addressed to each tenant by name or to the "occupant" of each affected dwelling unit.

(h) The utility shall provide service to a tenant in the tenant's own name as customer of record if so requested, subject to the terms and requirements of the utility's tariff and this chapter, without requiring the tenant to pay any part of the landlord's past due balance as a condition of receiving service.

**Readopt with amendment Puc 1203.13, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.13 Reconnection of Service.

(a) When the cause for a disconnection has been removed, the utility shall reconnect service upon the customer's request.

(b) When the cause of the disconnection is failure to pay an arrearage, the utility shall reconnect service when:

(1) All the arrearages have been paid; or

(2) The customer has provided evidence of an agreement with a municipal welfare official, pursuant to RSA 165, or with another social service agency, in accordance with Puc 1203.14, to pay the current bill; and the customer has agreed to enter into a payment arrangement for the unpaid arrearage in accordance with Puc 1203.07.

~~(3) The customer has agreed to enter into a payment arrangement for the unpaid arrearage in accordance with Puc 1203.07.~~

(c) The utility shall endeavor to reconnect service during regular business hours on the day of the request. When the customer requests that service be reconnected at other than regular business hours, the utility shall attempt to make the reconnection, provided, however, that the utility shall be under no obligation to do so unless a medical emergency exists.

(d) The commission shall order a utility to reconnect service during other than regular business hours when it determines that:

(1) A medical emergency exists;

(2) Property damage would occur; or

(3) Other similar unusual circumstances exist which involve significant risk to health, safety or property and which require immediate reconnection.

(e) A charge shall be made for reconnection of service in accordance with tariffs on file. However, no charge shall be made when the cause for disconnection was not in compliance with Puc 1203.11 and Puc 1203.12.

**Readopt with amendment Puc 1203.14, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.14 Social Service Assistance.

(a) The utility shall provide the names and addresses of those social service organizations in their franchise area, known to the utility as providing possible assistance with the payment of utility bills, to its customers who are experiencing difficulty in paying utility bills.

(b) The utility shall make arrangements with social service organizations that might provide assistance so that the utility will receive notice by telephone or in writing that the social service organization will agree to pay the current bill of the customer within 4 business days of a customer's application for assistance.

(c) The utility shall continue to provide utility service to the customer during the 4 business days before confirmation by telephone or in writing is received.

(d) Upon receipt of the social service organization's notification of its agreement to pay the current bills of the customer, the utility shall treat the social service organization as the party responsible for payment of bills.

(e) The utility shall provide the customer with a monthly accounting of his or her billing and payment history during the period when the social service organization is making payments.

(f) Notice of disconnection shall not be sent to any customer receiving assistance with the payment of his or her utility bill from a social service organization unless the utility has determined that the customer's assistance from the organization has been exhausted or that the organization has failed to make payments as agreed.

**Readopt with amendment Puc 1203.15, effective 4-29-04 (Doc. # 8075) to read as follows:**

Puc 1203.15 Denial of Service.

(a) If the relevant statute of limitations has not yet run, a utility may deny new service to any applicant due to an outstanding arrearage with that particular utility for prior service.

(b) If the relevant statute of limitations has run, a utility may deny new service to any applicant due to an outstanding arrearage with that particular utility for prior service if the utility has pursued recovery of the debt through the court system.

~~(c) If the relevant statute of limitations has run, a utility may, for a period of 3 years after the expiration of the Statute of Limitations, deny new service to any applicant due to an outstanding arrearage with that particular utility for prior service if the utility has made reasonable, verifiable, documented collection efforts during the running of the statute of limitations.~~

~~(dc)~~ A utility shall not deny new residential utility service to any applicant with whom either:

(1) A reasonable payment arrangement can be made under Puc 1203.07; or

(2) The utility has a current payment arrangement under Puc 1203.07.

~~((ed))~~ In order to prevent the practice of name-swapping, a utility may deny new utility service to any applicant due to an outstanding arrearage with that particular utility for prior service furnished in the name of a person other than the applicant as follows:

(1) For residential service, the utility may deny new utility service when the following statements are true about the applicant and the above-mentioned person other than the applicant in whose name prior service was furnished:

- a. They resided together at the address where the arrearage was incurred;
- b. They both received the benefit of the utility service;
- c. They both will benefit from the applied for utility service; and
- d. The applicant refuses to enter into a reasonable payment arrangement pursuant to Puc 1203.07;

(2) For non-residential service, the utility may deny new utility service when the following statements are true about the applicant and the above-mentioned person other than the applicant in whose name prior service was furnished:

- a. They were principals of a business at the address where the arrearage was incurred;
- b. They both received the benefit of the utility service; and
- c. They both will benefit from the applied for utility service.

~~(f)~~ Utilities shall maintain records showing the annual number of and reasons for denials of applications for service.

**Adopt Puc 1203.16 and renumber existing Puc 1203.16 as 1203.17 so that Puc 1203.16 reads as follows:**

1203.16 Conference to Mediate Complaints

(a) A conference may be held between and among the customer, the utility and the commission's consumer affairs division when prior discussion between and among the aforementioned parties have failed to yield a satisfactory resolution to the complaint.

(b) A conference may be held at the request of the customer, utility or commission staff provided that if no violations of commission rules exist, the commission may deny the request for a conference.

(c) The customer and the utility shall be informed of their right to a conference by the commission staff.

(d) A conference shall be scheduled at the convenience of the customer but shall be held no



more than 15 business days from the date of the request.

(e) A report of the outcome of the conference will be prepared by the commission staff and provided to all parties within 10 business days of the conference.

(f) If the utility or the customer does not agree with the outcome of the conference, the party not in agreement can request a hearing before the Commission.

(g) No action will be taken by the utility against the customer to disconnect service until final resolution of the conference or hearing.

**Readopt and renumber Puc 1203.16, effective 4-29-04 (Doc. # 8075) as Puc 1203.17 so that Puc 1203.17 reads as follows:**

Puc 1203.~~16~~-17 Transfer of Service.

(a) Whenever a utility receives a request to change an account for service from one customer to another or to add another name to an account, the following shall apply:

- (1) The utility shall give timely notice of such change to the new customer; and
- (2) The utility may require written confirmation of the request from the new customer.

(b) For the purposes of this section, timely notice means notice made to the new customer within 5 business days of the utility's receipt of the request to change an account for service from one customer to another.

(c) Until timely notice is given pursuant to (a)(1) above, or until the new customer has given confirmation pursuant to (a)(2) above, the original customer of record shall remain liable for charges on the account.

**Readopt with amendment and renumber Puc 1203.17, effective 4-29-04 (Doc. # 8075), as Puc 1203.18 so that Puc 1203.18 reads as follows:**

Puc 1203.~~17~~-18 Interruption of Service.

(a) In the event of interruption of service, utilities shall re-establish service within the shortest time practicable consistent with safety.

(b) When service is interrupted because the utility must perform work on mains, lines, or equipment, the utility shall perform the work at a time causing minimum inconvenience to customers consistent with the circumstances.

(c) Whenever practicable with reference to the planned work, contemplated by (b) above, utilities shall notify the following customers, where known, in advance:

- (1) Alarm services;
- (2) Medical alert services;
- (3) Emergency services; and
- (4) Other similarly situated customers who will be seriously affected by the service interruption.

(d) A utility may interrupt or curtail service and/or vary the characteristics thereof in the following circumstances:

- (1) When necessary to prevent injury to persons or property; and
- (2) When necessary to effect a temporary load reduction or temporary rationing of product for the common good of the utility system.

(e) Additional specificity regarding interruption of service, shall be contained in the following ~~C~~commission rules:

- (1) Electric, Puc 300;
- (2) Gas, Puc 500;
- (3) Telephone, Puc 400;
- (4) Water, Puc 600;
- (5) Sewer, Puc 700; and
- (6) Steam, Puc 1100.

**Adopt Puc 1203.19 to read as follows:**

1203.19 Utility Reports

(a) Each utility with more than 10,000 customers shall submit electronically the following reports to the commission's consumer affairs division:

- (1) Utility Disconnection Activity Report; and

(2) Utility Accounts Receivable Report.

(b) Each utility will file such reports on a monthly basis, no later than 20 calendar days following the last day of the month which is the subject of the report.

(c) The Utility Disconnection Activity Report shall include the following information separately for the categories of residential, non-residential and total customers:

(1) The title "Utility Disconnection Activity Report";

(2) The name of the utility making the report;

(3) The month and year represented by the information contained in the report;

(4) The number of business days for the month representing the information contained in the report;

(5) The category of customers represented in the report; and

(6) The following information for each day of the month:

a. The number of disconnection notices created with corresponding information regarding the following:

i. The total amount of money owed on the accounts subject to disconnection notices, and;

ii. The amount that is past due for such accounts; and

b. The number of disconnection notices sent by the utility with corresponding information regarding the following:

i. The total amount of the money owed on accounts subject to the disconnection notice sent to customers, and ;

ii. The total amount that is past due on such accounts;

c. The number of times the utility attempts to disconnect utility service at the customers' premises and the amount of money owed related to such attempts;

d. The number of times the utility disconnects utility service at the customers' premises and the amount of money owed related to such

disconnections;

e. The number of times the utility collects payment at the customers' premises and the amount of money collected; and

f. The number of times the utility restores previously disconnected service and the amount collected for such restoration; and

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(7) For the period reported, the average of each of the following:

a. The daily number of disconnect notices created;

b. The daily amount of money owed on accounts subject to the disconnect notices created;

c. The daily amount of money that is past due for accounts subject to the disconnect notices created;

d. The daily number of disconnect notices mailed;

e. The daily amount of money owed on accounts subject to mailed disconnect notices

f. The daily amount of money past due on accounts subject to mailed disconnect notices;

g. The daily number of attempts to disconnect service at customers' premises;

h. The daily amount of money past due associated with attempts to disconnect service at customers' premises;

i. The daily number of disconnections completed at customers' premises;

j. The daily amount of money past due associated with disconnections completed at the customers' premises;

k. The daily number of collections of amounts past due collected at customers' premises;

l. The daily amount of money past due collected at customers' premises;

m. The daily number of times service previously disconnected was restored; and

n. The daily amount of money paid by customers which resulted in service being restored.

(d) The Utility Accounts Receivable Report shall include the following information by month, listed both separately and in total for residential and non residential customers with such report information further characterized by active and inactive accounts:

(1) The title "Utility Accounts Receivable Report" identified by the month and calendar year applicable to the data in the report;

(2) The name of the utility making the report;

(3) Sales revenue for the applicable month and year-to-date;

(4) Sales by unit of measure for the applicable month and year-to-date;

(5) Number of bills for the applicable month and year-to-date;

(6) Average bill by dollar value and unit of measure for the applicable month and year-to-date;

(7) Gross write-offs for the applicable month and year-to-date;

(8) Net write-offs for the applicable month and year-to-date;

(9) Amounts of any previously written off balances which were collected in the applicable month and year-to-date;

(10) Late charge revenue for the applicable month and year-to-date; and

(11) Utility accounts receivable information aging data, in dollar amounts, for the applicable month and year-to-date as follows:

a. Current;

b. Thirty days in arrears;

c. Sixty days in arrears;

d. Ninety days in arrears;

e. Over ninety days in arrears; and

f. A total of items a.-e. above.

**Adopt Puc 1204.01, effective 4-29-04 (Doc. # 8075) and renumber Puc 1204.01 as Puc 1204.02 so that Puc 1204.01 reads as follows:**

PART Puc 1204 WINTER RULES

Puc 1204.01 Scope of Winter Rules. Puc 1204, Winter Rules, shall apply only to public utilities providing gas, electric and steam service to the public in the state of New Hampshire excluding limited electrical energy producers as defined in RSA 362-A. The requirements of this section shall be in addition to those requirements of Puc 1203.11 and Puc 1203.12.

**Readopt with amendment and renumber Puc 1204.01, effective 4-29-04 (Doc. # 8075) as Puc 1204.02 to read as follows:**

Puc 1204.~~01~~02 Applicability of Winter Rules.

(a) The provisions of Puc 1204 shall apply only to residential customers of gas, electric, and steam utilities.

(b) Arrearages existing on customers' bills prior to the winter period shall not make a customer eligible for disconnection during the winter unless the arrearages exceed, either singly or when added to winter arrearages, the amount noted in 1204.03 below. (b) Any arrearage resulting from non-payment of bills for service rendered prior to the winter period shall not be subject to winter period rules but shall be subject to Puc 1203.11 and Puc 1203.12.

**Readopt with amendment and renumber Puc 1204.02, effective 4-29-04 (Doc. # 8075) as Puc 1204.03 so that Puc 1204.03 reads as follows:**

~~Puc 1204.02~~Puc 1204.03 Protection from Disconnection.

(a) An arrearage resulting from non-payment of bills for service rendered during the winter period shall exceed the following amounts before a notice of disconnection for a primary residence can be sent:

(1) For gas non-heating customers, \$175:

(2) For electric, non-heating customers, \$300:

~~(23)~~ For electric heating customers, ~~\$600:~~ and

~~(34)~~ For gas and steam heating customers, \$500  
300.

~~(b) Notwithstanding (a) above, during the winter period utilities shall seek commission approval before issuing a notice of disconnection to or disconnecting service of residential non-heating or heating customers known to be 65 years or older.~~

~~—(eb)~~ No residential customers will be disconnected during the winter period for non-payment of a deposit or portion of deposit.

**Readopt with amendment and renumber Puc 1204.03, effective 4-29-04 (Doc. # 8075) as Puc 1204.03 so that Puc 1204.04 reads as follows:**

**Puc 1204.~~03-04~~ Payment Arrangements.**

~~(a) Payment arrangements entered into prior to the winter period shall not be subject to the winter period protection except that the terms of a payment arrangement entered into prior to the winter period shall not be deemed to have been breached by a customer's non-payment of a current bill during the winter period. During the winter period, the requirements of Puc 1203.07 relative to payment arrangements shall be replaced by the following:~~

(1) For non-financial hardship customers, the following shall apply:

a. Payment equal to 15% of the past due balance as of the disconnect date shall be required to prevent disconnection; and

b. Monthly payments equal to 15% of the total balance due as shown on each subsequent bill shall be required for the duration of the winter period.

(2) For financial hardship customers, the following shall apply:

a. Payment equal to 10% of the past due balance as of the disconnect date shall be required to prevent disconnection; and

b. Monthly payments equal to 10% of the total balance due as shown on each subsequent bill shall be required for the duration of the winter period.

~~(b) Notwithstanding the provisions of (a) above, no utility shall be required to change the terms of existing payment arrangements to comply with the provisions of (a) above unless so requested by the customer.~~

~~(bc)~~ At the end of the winter period, Ccustomers having arrearages who accumulate an arrearage during the winter period shall be provided an opportunity to make a payment arrangement pursuant to Puc 1203.07 and the following requirements:

(1) The payment arrangement shall permit repayment of the arrearage in equal installments over the 6 months following the conclusion of the winter period; and

- (2) The payment arrangement shall establish arrearage payments which shall be in addition to payment of current bills.

**Readopt with amendment and renumber Puc 1204.04, effective 4-29-04 (Doc. # 8075) as Puc 1204.05 so that Puc 1204.05 reads as follows:**

Puc 1204.~~04-05~~ Winter Period Notice of Disconnection.

(a) In addition to the notice of disconnection required by Puc 1203.11 and Puc 1203.12, during the winter period notice shall be provided to an adult who occupies the affected residence in the following manner:

(1) In person or by telephone; and

(2) A minimum of 2 calendar days but no more than 7 calendar days prior to the date of the proposed disconnection.

(b) If the utility is unable to notify an adult occupant of the affected residence pursuant to (a) above, the utility shall seek commission approval pursuant to Puc 201.05 before disconnecting service.

(c) When seeking commission approval, pursuant to (b) above, the utility shall inform the commission of:

(1) Customer's age or estimate thereof;

(2) The number of children in the household under the age of 5, if known;

(3) The number of household members over the age of 65, if known;

(24) Amount of the customer's arrearage; ~~and~~

(35) Date and amount of the last three payments ~~of the customer's last payment;~~

(6) The existence of any current or prior medical emergency certifications for the customer or household members; and

(7) The customer's financial hardship status.

(d) The commission shall not approve disconnection of service to customers when the following conditions exist:

(1) The customer has financial hardship; and



(2) The customer has made a good faith effort to make payments towards the utility bill.

**Adopt 1204.06 to read as follows:**

1204.06 Review of Pre – Winter Period Disconnections

(a) For customers disconnected for non-payment from April 15 through October 15 and whose account remains inactive as of November 1, the company shall send a letter via first class mail no later than November 7 to the last known customer of record for that service address.

(b) The letter shall include the following:

(1) The customer's name;

(2) The service address;

(3) A statement that the utility's records show the customer was disconnected for non-payment and the date on which the disconnection occurred;

(4) A statement directing the customer to contact the utility to arrange to have utility service restored;

(5) The utility's toll free customer service telephone number; and

(6) The toll free telephone number of the commission's consumer affairs division.

(c) If the letter required in (b) above is returned to the utility, the utility shall:

(1) Send a utility representative to the premises who shall:

a. Attempt to deliver the letter to an adult occupant of the premises;

b. Where no occupant responds to the delivery attempt, make every reasonable attempt to confirm that the premises are unoccupied;

c. Where premises appear to be occupied, leave the letter noted in (4a) above in a prominent place such as the front door or where it appears regular access to premises is made;

d. Where the representative finds someone other than the customer of record now occupying the premises, provide the new customer with the toll free number of

the utility's customer service department and direct the customer to contact the utility immediately to establish service; or

fe. Where the representative finds the service active , disconnect the service in accordance with Puc 1203.11(b)(3).

(d) Customers who contact the utility shall be offered a payment arrangement where 10% of the outstanding balance shall be sufficient to restore service where financial hardship exists.

(e) The utility shall provide the names, addresses and telephone numbers of social service agencies in the customer's vicinity known to the utility as providing possible assistance with the payment of utility bills to customers who contact the company and are unable to make the minimum payment.

(f) Where a customer indicates that a household member has a medical emergency as defined in Puc 1203.11 (d)(4), the utility shall inform the customer of his/her rights as detailed at Puc 1203.11 (e) and service will be restored upon:

(1) Receipt of a registered physician's notification of medical emergency; and

(2) Establishment of a payment arrangement in accordance with Puc 1203.07.

(g) Annually, the utility shall submit a report to the commission no later than December 10 summarizing:

(1) The number of letters mailed;

(2) The number of letters responded to by customers; and

(3) The number of letters returned.

(h) The report submitted by the utility shall also include:

(1) The number of field visits made in accordance with (c) above;

(2) The number of premises determined to be unoccupied;

(3) The number of customers whose service was restored;

(4) The number of customers whose service was not restored; and

(5) The reasons why service was not restored.

